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BANCORPORATION, N.A., dba
California Bank & Trust

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re
EVANDER FRANK KANE,
Debtor.

Case No. 21-50028-SLJ
Chapter 7
Ninth Circuit BAP No. NC-21-1167

EVANDER FRANK KANE,
Appellant,
v.
ZIONS BANCORPORATION, N.A., dba
California Bank & Trust, et al.
Appellees.

**APPELLEE ZIONS BANCORPORATION,
N.A.'S DESIGNATION OF ADDITIONAL
ITEMS TO BE INCLUDED IN THE
RECORD ON APPEAL**
Notice of Appeal Filed: 7/23/2021

Pursuant to Federal Rule of Bankruptcy Procedure 8009, Appellee Zions Bancorporation, N.A. (“Zions”), files this *Appellees’ Designation of Additional Items to be Included in the Record on Appeal* regarding the Notice of Appeal (Dkt. 182) filed on July 23, 2021, by Evander Frank Kane (“Kane”) in the above-captioned chapter 7 bankruptcy case and requests that the Clerk prepare and forward the items listed herein to the United States District Court¹ for inclusion in the record in connection with the Appeal.

DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN RECORD

1. Kane filed a Notice of Appeal and Statement of Election (Dkt. 182) on July 23, 2021, appealing the Bankruptcy Court’s *Order On Zions Bancorporation’s Objection To Debtor’s Homestead Exemption* (Dkt. 178). On August 6, 2021, Kane filed a *Statement of Issues to be Presented and Designation of Record on Appeal* (Dkt. 195).

2. Zions respectfully designates the following additional items to be included in the appellate record pursuant to Bankruptcy Rule 8009.²

No.	Date	Docket No.	Description
1.	02/23/2021	N/A	Meeting of Creditors Held and Concluded Debtor appeared. (Hjelmeset, Fred) (Entered: 02/23/2021)
2.	02/26/2021	33	Motion to Convert Case to Chapter 11 , Fee Amount \$922 Filed by Creditor Zions Bancorporation, N.A. (Attachments: # 1 Declaration # 2 Declaration) (Fletcher, Michael) (Entered: 02/26/2021)

¹ Appellee Zions has elected to proceed before the United States District Court on appeal.

² Unless otherwise indicated, all designated docket entries include all documents included within a particular docket entry, including both the main document and all attachments (e.g., Docket No. 35 includes sub-entries 35-1, 35-2, etc.).

No.	Date	Docket No.	Description
3.	03/04/2021	42	Application to Compromise Controversy with (Motion for Authority to Convey Estate's Equity in Real Estate and Resolve Dispute Concerning Bank Accounts) Filed by Trustee Fred Hjelmset (Attachments: # 1 Declaration of Fred Hjelmset) (Kleiner, Gregg) (Entered: 03/04/2021)
4.	03/04/2021	43	Notice and Opportunity for Hearing on Motion for Authority to Convey Estate's Equity in Real Estate and Resolve Dispute Concerning Bank Accounts (RE: related document(s)42 Application to Compromise Controversy with (Motion for Authority to Convey Estate's Equity in Real Estate and Resolve Dispute Concerning Bank Accounts) Filed by Trustee Fred Hjelmset (Attachments: # 1 Declaration of Fred Hjelmset)). Filed by Trustee Fred Hjelmset (Kleiner, Gregg) (Entered: 03/04/2021)
5.	03/25/2021	76	Objection (RE: related document(s)42 Application to Compromise Controversy). Filed by Creditor Zions Bancorporation, N.A. (Attachments: # 1 Declaration # 2 Certificate of Service) (Fletcher, Michael) (Entered: 03/25/2021)
6.	03/25/2021	77	Reply (RE: related document(s)33 Motion to Convert Case to Chapter 11). Filed by Creditor Zions Bancorporation, N.A. (Attachments: # 1 Declaration # 2 Certificate of Service) (Fletcher, Michael) (Entered: 03/25/2021)
7.	03/25/2021	78	Reply (Reply by Creditor Professional Bank in Support of the Motion by Creditor Zions Bancorporation to Convert the Case to Chapter 11 and to Appoint a Chapter 11 Trustee) (RE: related document(s)33 Motion to Convert Case to Chapter 11). Filed by Creditor Professional Bank (Opperwall, Stephen) (Entered: 03/25/2021)

No.	Date	Docket No.	Description
8.	03/25/2021	79	Objection to Homestead Exemption (Objections by Professional Bank to Debtor's claimed homestead exemption) Filed by Creditor Professional Bank (Opperwall, Stephen) (Entered: 03/25/2021)
9.	03/25/2021	80	Objection to Debtor's Claim of Exemptions (Objections by Professional Bank to Debtor's purported claimed exemption for money owed to Debtor by the San Jose Sharks) Filed by Creditor Professional Bank (Opperwall, Stephen) (Entered: 03/25/2021)
10.	03/25/2021	81	Brief/Memorandum in Opposition to (Opposition by Professional Bank to Trustee's Motion to Convey Equity in Real Property [ECF #43]) (RE: related document(s)43 Opportunity for Hearing). Filed by Creditor Professional Bank (Opperwall, Stephen) (Entered: 03/25/2021)
11.	03/29/2021	87	Joinder (Joinder by Creditor Professional Bank in Creditor Zions Bancorporation's objection [Doc # 76] to trustee's motion for authority to convey equity [Doc # 42]) (RE: related document(s)76 Objection). Filed by Creditor Professional Bank (Opperwall, Stephen) (Entered: 03/29/2021)

Zions expressly reserves its right to amend or supplement this Designation and/or to object, or otherwise supplement or move to strike or modify, some or all of any designation filed by any other party to this appeal. This filing is made expressly subject to, and without waiver, of any and all rights, remedies, challenges, and objections.

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MICHAEL GERARD FLETCHER
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MICHAEL GERARD FLETCHER
Attorneys for Appellee ZIONS
BANCORPORATION, N.A., dba
California Bank & Trust

CERTIFICATE OF SERVICE

I, the undersigned, declare and certify as follows:

I am over the age of eighteen years, not a party to the within action and employed in the County of Los Angeles, State of California. I am employed in the office of Frandzel Robins Bloom & Csato, L.C., members of the Bar of the above-entitled Court, and I made the service referred to below at their direction. My business address is 1000 Wilshire Boulevard, Nineteenth Floor, Los Angeles, CA 90017-2427.

On August 19, 2021, I served true copy(ies) of the:

**APPELLEE ZIONS BANCORPORATION, N.A.'S DESIGNATION OF
ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

to the party(ies) on the attached service list.

SEE ATTACHED SERVICE LIST

☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on August 19, 2021, at Los Angeles, California.

/s/ David T. Moore

David T. Moore
dmoore@frandzel.com

CERTIFICATE OF SERVICE

I, the undersigned, declare and certify as follows:

I am over the age of eighteen years, not a party to the within action and employed in the County of Los Angeles, State of California. I am employed in the office of Frandzel Robins Bloom & Csato, L.C., members of the Bar of the above-entitled Court, and I made the service referred to below at their direction. My business address is 1000 Wilshire Boulevard, Nineteenth Floor, Los Angeles, CA 90017-2427.

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☒ **BY MAIL:** I placed the envelope for collection and mailing at Los Angeles, California. The envelope was mailed with postage fully prepaid. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on August 19, 2021, at Los Angeles, California.

/s/ Michelle Campbell

Michelle Campbell
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SERVICE LIST

(Kane v. Zions Bancorporation, N.A.) In re Evander Frank Kane

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